



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,430	12/17/2003	Yi Yen Lin	10113501	8187

34283 7590 09/22/2005

QUINTERO LAW OFFICE
1617 BROADWAY, 3RD FLOOR
SANTA MONICA, CA 90404

EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/738,430	Applicant(s) LIN, YI YEN	
	Examiner Ariel Balaoing	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1, 8, and 10 recite the limitation "the outside". There is insufficient antecedent basis for this limitation in the claim.

Claims 2-7, 9, 11-19 are rejected as they are dependent on an indefinite claim.

Claim Rejections - 35 USC § 102

4. Claims 1-4, 6-11, 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by SAKAGUCHI et al (US 2002/0094841 A1).

Regarding claim 1, SAKAGUCHI discloses a mobile phone with a SIM card holder (Figure 1a; abstract) comprising: a body including a first concave portion and a second concave portion (Figure 1b; paragraph 27); a holder disposed in the first concave portion of the body in a method such that the holder is moved between a first position and a second position (3, 4-Figure 1a, 1b; paragraph 27-29); and a SIM card disposed in the second concave portion of the body in a detachable method (1-Figure 1a, 1b; abstract), wherein the SIM card is abutted by the holder so that the holder is moved to the second position from the first position when the SIM card is disposed in the second concave portion from the outside (abstract; paragraph 27-29), and the

Art Unit: 2683

holder is located at the first position so as to fix the SIM card in the second concave portion when the SIM card is located in the second concave portion (abstract; paragraph 27-29).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first contact in the second concave portion (2-Figure 1a; abstract), and the SIM card includes a second contact corresponding to the first contact (abstract), whereby the SIM card is electrically connected to the body by the second contact contacting the first contact (abstract).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the first contact is an elastic member (2-Figure 1a; abstract), and the SIM card is ejected from the second concave portion by the first contact when the holder is moved to the second position from the first position (abstract; paragraph 26-29; SIM card is elastically held to second concave by the holder, and can be released by moving the holder. The elastic contacts provided for the SIM card will inherently eject the card from the holder when pressure is relieved.).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the depth of the first concave portion is shallower than that of the second concave portion (Figure 1a; 1b; First concave portion is shallower than the second with respect to the mobile devices body).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion, and the holder includes an elastic portion corresponding to the abutting surface, whereby the holder is disposed in the first concave portion of the body in a moveable method by the elastic portion abutting the abutting surface (paragraph 29-31; Figure 3c).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface opposite to a surface formed with the elastic portion (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface, and the inclined surface is abutted by the SIM card when the SIM is disposed on the body from the outside (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes a release hole to assist in the movement of the holder (paragraph 29).

Regarding claim 10, SAKAGUCHI discloses a mobile phone with a SIM card holder (Figure 1a; abstract) comprising: a body (Figure 1a, 1b); a holder disposed on the body in a method such that the holder is moved between a first position and a

Art Unit: 2683

second position (3, 4-Figure 1a, 1b; paragraph 27-29); and a SIM card disposed on the body in a detachable method (1-Figure 1a, 1b; abstract), wherein the SIM card is abutted by the holder so that the holder is moved to the second position from the first position when the SIM card is disposed on the body from the outside (abstract; paragraph 27-29), and the holder is located at the first position so as to fix the SIM card on the body when the SIM card is located on the body (abstract; paragraph 27-29).).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first concave portion for the holder to dispose therein (Figure 1a, 1b; paragraph 27-29).

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a second concave portion for the SIM card to dispose therein, and the depth of the first concave portion is shallower than that of the second concave portion (Figure 1a; 1b; paragraph 26-29; First concave portion is shallower than the second with respect to the mobile devices body).

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first contact in the second concave portion, and the SIM card includes a second contact corresponding to the first contact, whereby the SIM card is electrically connected to the body by the second contact contacting the first contact (2-Figure 1a; abstract).

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the first contact is an elastic member, and the SIM card is ejected from the second concave portion by the first contact when the holder is moved to the second position from the first position (abstract; paragraph 26-29; SIM card is elastically held to second concave by the holder, and can be released by moving the holder. The elastic contacts provided for the SIM card will inherently eject the card from the holder when pressure is relieved).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion, and the holder includes an elastic portion corresponding to the abutting surface, whereby the holder is disposed in the first concave portion of the body in a moveable method by the elastic portion abutting the abutting surface (paragraph 29-31; Figure 3c).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface opposite to a surface formed with the elastic portion (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface, and the inclined surface is abutted by the SIM card when

Art Unit: 2683

the SIM is disposed on the body from the outside (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes a release hole to assist in the movement of the holder (paragraph 29).

Claim Rejections - 35 USC § 103

5. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAKAGUCHI et al (US 2002/0094841 A1) in view of KAO et al (US 2003/0227763 A1).

Regarding claims 5 and 12, see the rejections of the parent claims concerning the subject matter these claims are dependent upon. However, SKAGUCHI does not disclose wherein the first concave portion is formed with a hole and the holder includes a protrusion corresponding to the hole, whereby the holder is fixed in the first concave portion by inserting the protrusion into the hole. KAO discloses wherein the first concave portion is formed with a hole and the holder includes a protrusion corresponding to the hole, whereby the holder is fixed in the first concave portion by inserting the protrusion into the hole (abstract; figure 6). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SKAGUCHI to include a means for attaching the holder to the first concave portion using a hole and protrusion, as taught by KAO, as this is another method to integrally attach a holder to the body of a mobile device.

Conclusion

Art Unit: 2683

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

KUBO (US 6,580,923 B1) – Portable telephone

MICHEL et al (US 6,665,544 B1) – SIM card reader and mobile device

KIERNAN et al (US 2002/0118826 A1) – Cover for Cell phone

FRANCK et al (US 6,397,081 B1) – Mechanism for holding an IC card

RAAB et al (US 5,336,877) – Contact device for SIM

LIIKANEN et al (US 5,699,406) – Arrangement for securing SIM card

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

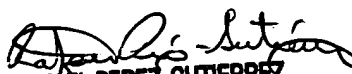
Application/Control Number: 10/738,430

Page 9

Art Unit: 2683

Ariel Balaoing
Art Unit 2683
Patent Examiner

AB


RAFAEL PEREZ-GUTIERREZ
PRIMARY EXAMINER
9/19/05